

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CHUCKY LOWE, SR. and)	
CHUCKY LOWE, JR.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:05-CV-275
)	(Phillips/Guyton)
SAM HENSON, SPD;)	
DAVID JOYNER, Drug Task Force; and)	
KEVIN BUSH, SPD,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 22] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of Defendant Sam Hinson's Motion to Compel and/or Dismiss [Doc. 21].

The defendant Sam Hinson (identified as "Sam Henson" in the Complaint) moves the Court for an Order compelling the plaintiffs to respond in full to Interrogatories and Requests for Production of Documents served on February 13, 2006. In the alternative, the defendant moves for the plaintiffs' action to be dismissed with prejudice. [Doc. 21].

The plaintiffs failed to file a response to the defendant's motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2.

For good cause shown, the defendant's Motion to Compel [Doc. 21] is **GRANTED**. The plaintiffs are **DIRECTED** to serve responses to the defendant's Interrogatories and Requests for Production of Documents within twenty (20) days of the entry of this Order.

The defendant's request [Doc. 21] for dismissal of the plaintiffs' claims is **DENIED** at this time. However, the plaintiffs are hereby put on notice that failure to cooperate in discovery and to follow the Orders of this Court may result in monetary sanctions and possibly the dismissal of this lawsuit. See Fed. R. Civ. P. 37(b)(2)(C).

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge